

## LITERATURE REVIEW

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# Another Look at a Bahamian Mystery: The Murder of Sir Harry Oakes: A Critical Literature Review

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### INTRODUCTION

Stop me if you've heard this one:

The richest man in the Bahamas, no, the richest man in the British Empire, is murdered in his bed. He has suffered a fatal head wound caused by a boat's winch lever. Or by bullets from a small-calibre gun. No, by a conch shell. Or by some blunt object close at hand, still unidentified.

The rich man's body is set afire in order to burn down his house and conceal the details of the crime. Or as a diversionary tactic, to confuse the authorities. No, in a voodoo ritual.

The killer is his son-in-law. Or his houseguest. Or a Mafia hit man.

The reason for the murder: to eliminate a powerful opponent of casino gambling. Or to prevent this rich man from leaving the Bahamas with his businesses and wealth. Or to avenge the rich man's resentment of his daughter's choice of husband. Or to steal the enormous horde of gold reported to be hidden in his house.

The richest man in the Bahamas (if not in the whole Empire) was Sir Harry Oakes, who earned his fortune from gold prospecting and spent the rest of his life avoiding the tax man. He was found murdered on the morning of 8 July 1943, having been killed sometime after midnight during a summer thunderstorm. His body, bearing

four lethal head wounds and burns from the fire, was discovered the next morning by his close friend and houseguest, Harold Christie, an influential Bahamian estate agent.

Add to this cast of characters a smooth-operating Mauritian (Alfred deMarigny) married to Oakes' young daughter; a former King of England (the Duke of Windsor), now forced to serve this tiny colonial outpost; and the Duke's scandalous wife (the Duchess of Windsor), for whom he renounced his crown.

Also, factor in the war raging around the globe. France had recently fallen to the Nazis; German U-boats patrolled the Atlantic; and the shortages and other exigencies of wartime were the rule.

The trial of Alfred deMarigny, Oakes' son-in-law, made international news and his eventual acquittal left the case unsolved—it remains unsolved today. Let us not forget the recurring legend of all the “unexplained killings of people directly, or indirectly, involved” with the Harry Oakes murder (Marquis, 2006, p. 6).

This may sound too good to be true. It may sound like the plot to a best-selling pot-boiler. And it all serves to explain the continuing interest in the murder of Sir Harry Oakes, often referred to, hyperbolically (and hyperbole is in no short supply in the coverage of the murder), as “the crime of the century” (DeMarigny & Herskowitz,

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**How to cite this article in APA (6<sup>th</sup> ed.) style:** LeGrand, C. (2010). Another look at a Bahamian mystery: The murder of Sir Harry Oakes: A critical literature review. *The International Journal of Bahamian Studies*, 16, 92-101. Retrieved from <http://researchjournal.cob.edu.bs>

1990, p. 41).

### The Books

DeMarigny, A. & Herskowitz, M. (1990). *A Conspiracy of Crowns: The True Story of the Duke of Windsor and the Murder of Sir Harry Oakes*. New York, NY: Crown Publishers.

Houts, M. (1972). *King's X: Common Law and the Death of Sir Harry Oakes*. New York, NY: William Morrow.

Leasor, J. (1983). *Who Killed Sir Harry Oakes?*. Boston, MA: Houghton Mifflin.

Marquis, J. (2006). *Blood and Fire*. Kingston, Jamaica: LMH Publishing.

*The Murder of Sir Harry Oakes, Bt.* (1959). Nassau, Bahamas: Nassau Daily Tribune.

Owen, J. (2005). *A Serpent in Eden*. London, England: Abacus.

*A Conspiracy of Crowns* is an autobiographical account of Alfred deMarigny, Sir Harry's son-in-law. It is a highly entertaining, and even more highly far-fetched, report on the case from an insider, in this case, the accused.

*King's X* is an odd combination of murder mystery and legal treatise. It offers engaging accounts of the backgrounds of all the principal characters and a preposterous-sounding "solution" to the murder. Houts, a professor of criminal law, is particularly interested in the legal aspects of the case and focuses on the conduct of the trial of deMarigny for the murder of Sir Harry. He uses the trial as a lens through which to view the differences in the Civil Law and Common Law systems. Houts particularly wishes to demonstrate unequivocally the shortcomings of the Civil Law system and its "totalitarian efficiencies" (Houts, 1972, p. 328). His ultimate goal: to convince readers of the need to protect the U.S. legal system, which he considers under attack from "Meyer Lansky and his Mafia and Costa Nostra associates" (p. 328). Speculating on the murderer of Sir Harry is really a side project for the author.

*Who Killed Sir Harry?* is an even odder specimen. The first four chapters present standard information on the murder and the trial of deMarigny. The final six chapters take a sharp turn into the realm of fiction. They read like a

sub-standard gangland thriller, complete with Leasor's own original mobster characters spouting stereotypical tough-guy dialogue.

*The Murder of Sir Harry Oakes, Bt.* is a compilation of contemporary news reporting on the case. It reprints, in their entirety, news articles published in *The Nassau Daily Tribune* (now *The Tribune*) during the investigation of the murder and the trial of deMarigny.

*A Serpent in Eden* is the most recently published of these books. It is, therefore, able to incorporate the newest theories regarding the case. Its author is particularly interested in reviewing the previously published books so that he can analyze their conclusions and debunk the legends and rumours perpetuated therein. Owen's verdict: most of these earlier works "suffer from the handicap of not being able to say what the authors thought for fear of libelling those involved who were still alive" at the time of their publication (Owen, 2005, p. xiii).

All of these books, save *The Murder of Sir Harry Oakes, Bt.* (a compilation of primary source documents), suffer from a lack of documentation. None has citations. Most have only a rudimentary bibliography, Owen offering the best and most substantive one. Marquis' book has no citations, no bibliography and, what is worse, no index.

This lack of documentation makes it difficult for the reader to verify any of the allegations. While none of these books claims to be scholarly (therefore requiring citations), the arguments the authors make would be well-served by such an inclusion. Many of these authors hope to convince readers of their unique and ground-breaking theory regarding the murder, or else to debunk the ground-breaking theories offered by others.

Without citations, the reader cannot verify from which source a claim comes and some of the sources are, without question, more reliable than others. Owen notes that he consulted a variety of primary-source documents—letters, manuscripts and official documents—held in various archives and museums. No other author references such valuable resources—kudos to Owen—but, again, knowing which evidence came from which valuable resource would be of great service to the

reader. It is, otherwise, difficult to separate the more authoritative claims from the wholly unreliable ones. And even Owen, as do all these authors, cites claims that apparently come directly from deMarigny himself, who, in his own book, comes off as a less-than-reliable narrator.

Owen does an exemplary job demonstrating deMarigny's unreliability (making it all the more surprising that he would seemingly take some of deMarigny's claims at face value while shooting gaping holes in others). He compares the two published accounts deMarigny painted of his life: one in *More Devil Than Saint* (New York, NY: Beechurst Press, 1946) and the other in *Conspiracy of Crowns* (1990). Owen shows how deMarigny directly contradicts himself in the two books, offering completely different accounts of his early life, his schooling, and his pre-Bahamas career. For instance, deMarigny's first wife, Lucie-Alice Cahen disappears entirely in the later book. She earns only brief mention (perhaps merited by their very short marriage)—he admits to being her "frequent escort" (DeMarigny, 1946, p. 111) but not her husband. His second wife (whom he, of course, calls his "first wife" in *A Conspiracy of Crowns*) receives more coverage than his first, all of it unflattering and, frankly, unkind. According to his account, Ruth Fahnestock was "insecure, demanding and jealous" (DeMarigny & Herskowitz, p. 156) and he claims she trapped him into marrying her. (By most accounts, deMarigny owed Ruth a great deal of money after their divorce and had, perhaps, particular incentive to be unkind).

In fact, in *A Conspiracy of Crowns*, deMarigny seems to deny that *More Devil Than Saint*<sup>2</sup> even exists. He admits that he had "accepted a contract ... to write an autobiography, giving my account of the crime and the trial" (p. 253). But he claims he cancelled the agreement after two alleged attempts on his life (deMarigny claims that he was shot at twice during his time in Cuba and he connects the shootings with the book contract). Fortunately, as this earlier book certainly does exist, this claim is easily disproven, unlike many

of deMarigny's other assertions which are usually both unverified and unverifiable.

### The Accused

DeMarigny's claims are entertaining—and almost entirely self-serving. Of course, it can be argued, we all paint the rosiest possible pictures of ourselves in our autobiographies—deMarigny should not be blamed for doing just that. But the picture he paints surpasses "rosy" and teeters on "so saintly as to defy belief".

DeMarigny describes himself as "a provocative figure, every inch a maverick..." (DeMarigny, 1990, p. 9), "tall, elegant, well born, but irreverent about class and wealth" (p. 10). His father-in-law, Sir Harry Oakes "admired his business judgment" (p. 14) but was frustrated by deMarigny's "independence" (p. 9). He compliments himself for his sympathy with blacks, with Jews, with anyone impoverished or oppressed. When he isn't making a fortune in the stock market, in spite of his lack of experience or education, he is heroically smuggling Jews out of Nazi Germany in two dangerous, cleverly-designed missions of his own devising.

By deMarigny's own account, he is a romantic, Zelig-like figure, always in the right place at the right time, meeting important people and, owing to his unique insouciance and wisdom, seeing right through them. He saw Hitler speak at a Nazi rally in Nuremberg and was "disappointed by his looks" (p. 119). He was even more unimpressed with the Prince of Wales (later the Duke of Windsor), deeming him, at first meeting, a weak man and "an unnecessary person" (p. 15) "a pimple on the ass of the British empire" (p. 31).

DeMarigny challenged authority, spoke truth to power, championed the downtrodden, outsmarted his rivals—really, it all becomes too much. One has never seen such capacity, taste, application, and elegance, as he describes, united. Given the "blatant inventions" (Owen, 2005, p. 43), the self-aggrandizement, it becomes hard to take anything deMarigny has to say seriously.

### The Speculation

As the case remains unsolved, each book is, of necessity, speculative. In many cases, the speculation can be difficult to distinguish from the reporting. Of particular concern is the fact that

<sup>2</sup> A French-language deMarigny autobiography, *Ai-je Tué* (Montréal, Québec: Éditions Serge Brousseau, 1946), also exists and is not included in this review

most of these books contain a quantity of suspicious, quoted dialogue. Some of that dialogue comes directly from the newspaper coverage of the trial. The very dedicated can indeed verify it in *The Tribune's* compilation of its reporting. Such verification is comforting—the reader knows the dialogue is accurate and, what is more, that it indeed occurred. Other dialogue, likewise appearing in quotation marks (as if it is verbatim reporting—but from a non-existent transcript), is of frankly dubious provenance.

In his book, for instance, deMarigny relies heavily on evidence from "conversations," quoted at length, with mysterious characters who, to his great fortune, have secret information to reveal to him, information that is always exculpatory to him and incriminating to his rivals. And deMarigny is always, conveniently, alone when he, by sheer chance, meets up with these characters. His purported encounter with Rawlins, the missing watchman from Westbourne (Sir Harry's home and the place of the murder) is highly coincidental and, what is more, completely impossible to substantiate. We have only deMarigny's word that this meeting, where Rawlins places blame for the murder on Harold Christie and his brother, Frank Christie, ever took place.

In similar fashion, both Houts and Marquis rely heavily on the word of "anonymous informants." Houts spends three pages explaining the importance and legitimacy of reliable confidential informants. While "reliable informants are extremely hard to come by," (Houts, 1972, p. 70), their testimony is often crucial in the administration of justice. He argues that an effective legal system depends on the evidence of individuals who "*can and will tell what happened*" (p. 69, emphasis in original).

Marquis, less interested than Houts in the vagaries of the justice system, goes to great lengths to justify his own reliance on anonymous sources by highlighting, in florid fashion, the "line of tombstones" (Marquis, 2006, p. 211) linked to the murder and to inquiries into it. It is, he reminds us, simply too dangerous to ask questions about or to know too much about the Sir Harry Oakes case. Marquis claims to have received, in early 1969, "a mysterious tip-off" (p. 5) about the case from a trusted contact. Marquis then published his

version of the Oakes case—in 2006. Over 30 years passed between his receipt of the "tip-off" and the publication of his book. Does Marquis really need to maintain the anonymity of his contact? Surely 30+ years of secrecy is sufficient? There is no way for the reader to judge the reliability of this "trusted contact" if we know nothing of the informant.

Again, documentation, corroboration would help the reader make better sense of all the "evidence."

### The Victim

Sir Harry Oakes must have been a complicated character—the reader gets such different accounts of him as puzzle one exceedingly. Was he a "happy, unspoiled character" (*Murder*, 1959, p. 2) of "generous spirit" (p. 19)? He was, after all, created a baronet for his "public and philanthropic service" (Owen, 2005, p. 18). Or was he "brusque and demanding" (p. 15), a "rough, ruthless, uncouth" (Houts, 1972, p. 10), graceless, tasteless, arrogant and rude autocrat who "flew into rages when his wishes were questioned" (p. 11) and who "made more enemies than friends" (p. 11)?

All accounts do agree that Sir Harry was a hard worker whose tenacious search for gold took him all over the world, tolerating harsh conditions and constant disappointments until he finally struck it rich. His fortune, reported to be one of the largest in the British Empire, may have been far smaller than rumor had it, but it was large enough for him to be generous to the deserving. And, at the time of his death, he owned at least one-third of the island of New Providence (Houts, 1972, p. 12).

### The Trial

The presiding judge, Sir Oscar Daly, kept the official transcript of the trial in his own hand, filling two 500-page ledger books. Many of the journalists covering the trial also kept their own personal records of the proceedings, evidence and testimony.

Most accounts of the trial focus on the performance of the prosecution and defense attorneys; the unusual presence of two detectives from Miami, specially summoned by the Duke himself; and the controversial Exhibit J (a print from deMarigny's right little finger, allegedly removed from the scene of the crime).



### **The Attorneys**

DeMarigny did not get his first choice attorney, Alfred F. Adderley, who ended up serving as counsel for the Crown, beside Eric Hallinan, Attorney General for the Crown. He was, to his good fortune, well served by his eventual attorneys, Godfrey Higgs and Ernest Callender. In all accounts, save one, Higgs and Callender are particularly commended for their excellent work for the defense. They receive high praise for their stellar, intense cross-examinations of the prosecution's main witnesses: the two Miami detectives and, especially, Christie.

Marquis is the only author to disagree. Oddly, he asserts that Higgs, in fact, went easy on Christie. "It would not be the last time [Higgs] would show mercy to [Christie]" (Marquis, 2006, p. 71). DeMarigny himself was pleased with Higgs' performance for the defense. According to his account, Higgs "demolished" (1990, p. 191) Christie on the stand. One would think that deMarigny would be the first person to express disappointment in any sub-standard performance by the defense. But deMarigny is perfectly pleased: Higgs' advocacy "succeeded beyond our expectation" (p. 191). All accounts of the trial include a cry of frustration that rose from Christie, under the relentless and withering questioning by Higgs: "For God's sake, Higgs, be reasonable!" (Owen, 2005, p. 124)—not the cry of a man being shown mercy by a friend.

Houts, our resident legal expert, takes twenty pages to analyze, point by point, Higgs' cross examination of Christie. He repeatedly describes Higgs' performance as "effective" and "relentless." Again, not the description of a man going easy on a witness. Marquis is unique in his belief of any short-comings in the performance of the defense team.

### **The Notorious Detectives from Miami**

Captains James Barker and Edward Melchen, detectives from the Miami Homicide Bureau, were specially summoned to Nassau by the Duke of Windsor. They were given control of the high-profile case and proceeded to underwhelm with their investigative prowess. They bungled and likely fabricated the fingerprint evidence, prevaricated on the witness stand, and, in all, were the cause of so many "extraordinary mistake[s]"

(*Murder*, 1959, p. 465) and "grievous error[s]" (p. 465) that they merited special mention in the Charge to the Jury. (The Charge to the Jury took five hours, the jury deliberations, just under two.)

### **The Even More Notorious Exhibit J**

A conveniently-perfect fingerprint from the little finger of deMarigny's right hand was found on a screen in Sir Harry's bedroom, a place deMarigny claimed he had not visited for months. Such a valuable piece of evidence would clinch deMarigny's conviction. If he didn't leave the print at the time of the murder, how else did it get there? Higgs, on the defense, painstakingly demonstrated how else: by fabrication. Barker, the fingerprint expert, had lifted the print from the screen without first photographing it in place, to document that it had indeed been there. Lifting a print removes all trace of it from where and on what it was found. Without photographic documentation, "the most vital piece of prosecution evidence was detached from its (alleged) original site with no proof that it had ever been there" (Marquis, 2006, p. 117). Therefore, Higgs argued, the evidence is suspect and should be inadmissible.

Higgs pressed Barker mercilessly. No, Barker had to admit that he had not brought a fingerprint camera with him from Miami, nor had he had one flown in from Florida, nor had he tried to borrow one in Nassau. No, Barker had to admit that he had not dusted many other objects for prints, not even the headboard to the bed on which Sir Harry's body was found or the visible handprints on the wall of Sir Harry's bedroom. No, Barker had to admit that he had failed to get fingerprint samples from any number of people known to have been in Sir Harry's bedroom after the murder.

Even more suspicious, the lifted fingerprint lacked any of the background detail from the screen, detail that would normally be picked up. When asked to demonstrate in the courtroom, Barker could not replicate a clean lift of the print without the background detail. Higgs' conclusion—the detectives lifted deMarigny's fingerprint from some other object and not from the crucial screen. Barker denied the accusation and, in the end, Judge Daly allowed Exhibit J into evidence, leaving it to the jury to believe or discount its

veracity.

All the authors believe that Exhibit J was fabricated and was intentionally "used by Barker in an attempt to frame deMarigny" (Owen, 2005, p. 236). However, Owen is the only author to point out that the fact that the Miami detectives tried to frame deMarigny does not mean deMarigny wasn't guilty.

## THEORIES OF WHODUNIT

### The Mafia Theory

To be frank, several of the theories read like loose rewrites of *The Godfather* (book published in 1969, film released in 1972). Leasor's book, in particular, feels like a screenplay treatment of a Mafia thriller. Half of his book is devoted to his fictitious characters acting out a clichéd melodrama, ending with a Mafia hit on Sir Harry. Houts, too, offers an elaborate solution with the Mafia as culprit.

The Mafia theories suggest that organized-crime figures, Meyer Lansky in particular, wanted to develop a casino monopoly in the Bahamas. Harold Christie, known to the Mafia from his bootlegging excursions during Prohibition in the U.S., was the contact person. With the Duke of Windsor on board, Christie only needed to persuade Sir Harry to go along with the wishes of the mobsters. Sir Harry, being Sir Harry, "crotchety, vile-tempered, overbearing" (Houts, 1972, p. 64) and obstinate, refused. This particular line of speculation concludes with Mafia goons killing Sir Harry, either on a ship on which they had secretly arrived from Florida (through U.S.-Navy and German-U-boat infested waters, during the heightened security and paranoia of wartime), or in Sir Harry's bedroom, where his body was found.

Owen and Marquis both do excellent jobs debunking the possibility of a mysterious ship filled with mobsters sailing from Florida to New Providence and back, through heavily-patrolled waters, without detection. "1943 was the height of the Battle of the Atlantic and British and U.S. naval patrols were all over the area, hunting U-boats, and all sea traffic was closely monitored" (Marquis, 2006, p. 168). Owen points out that there were unquestionably "German submarines prowling the waters off Florida" (2005, p. 31). His certainty is based on personal evidence: his

grandmother and her children spent several years in Nassau during the war, having been stranded in the Americas by the sinking of their ship by a German sub.

Both Owen and Marquis also discount any notion of a secret, backroom deal to legalize gambling in the Bahamas—gambling was already legal in at least limited fashion. A tourist-only casino, the Bahamian Club, had been operating in Nassau since 1920 (Owen, 2005, p. 23). The Bahamian Club, in fact, operated illegally until 1939, when the Assembly passed a bill

... that allowed casinos to operate [legally] under certain circumstances. By securing a Certificate of Exemption (exempt from laws prohibiting gambling), a ... casino could legally operate under what was, in effect, a government license ... [A] certificate was quickly granted to the Bahamian Club (Block, 1998, p. 31).

However, requests for Certificates of Exemption were regularly rejected by the government and the Bahamian Club operated "in an exclusive way" for many years (Messick, 1969, p. 74).

The Mafia did eventually develop connections in the Bahamas, but likely much later than 1943, the date of Sir Harry's murder. Gangsters operated successfully in Cuba up until 1944, when Batista first lost power. Only after Batista's departure did "Meyer Lansky [begin] looking for a new base of operations" (Messick, 1969, p. 46). By 1963, twenty years after the murder, Meyer Lansky was reported to be "associated in some way with the ... casino in the Lucayan Hotel, Grand Bahama island" (p. 134).

Houts and Owen both agree that Barker, the fingerprint expert who was so sloppy or incompetent (or perhaps both), was "mobbed up". By the time of Barker's death in 1952 (he was shot to death with his own weapon by his son), "it was well known that he had been on Meyer Lansky's payroll for a number of years" (Houts, 1972, p. 71). In fact, the Miami police force was "particularly corrupt" (Owen, 2005, p. 231) and Barker was "undoubtedly in the pocket of Miami's gangsters" (p. 231). But Barker's connection to the Mafia does not itself "supply a sufficiently convincing motive for murder" (p. 246).

So Houts' theory, the Mafia did it on a ship with a boat winch, is rejected even though it comes directly from "reliable confidential informants." Leasor's gangland-hit theory can be likewise rejected.

The Mafia-did-it theories are perhaps more a reflection of the general public's fascination with the Mafia than they are credible deductions based on available evidence. Organized crime has been a popular topic of best-selling books and hit movies for decades. One could conclude that the theories positing the involvement of the Mafia in the murder of Sir Harry are designed to appeal to the public's taste. It is equally possible that the mob is identified as the culprit simply because "the mob" was on everybody's mind at the time of publication and was a popular suspect in any crime—the "zeitgeist" explanation, if you will.

### **The Harold Christie Theory**

The Harold-Christie-as-culprit theory rests on the presumption that Christie owed a great deal of money to Sir Harry. Marquis goes as far as to assert that Christie, already "inclined to deviousness" (Marquis, 2006, p. 159), essentially "floated his business on Oakes' money" (p. 159). In deMarigny's version, Sir Harry was planning to move his family and his finances to Mexico and, before relocating, Sir Harry would call in his loans to Christie.

Many proponents of the Harold Christie theory point to his performance on the witness stand as, if not an indication of outright guilt, at least an indication that he had something to hide. Christie was "visibly nervous" (Owen, 2005, p. 123): he seemed "tired and uncertain" (p. 122). He "started to sweat, dabbing his forehead with a handkerchief" (p. 123) while testifying that he slept through the killing, the fire, and the raging thunderstorm, having woken up only to kill a few mosquitoes. All of these authors, even those who have other murderers in mind, look at Christie's behavior during the trial and at his discomfort on the stand, and wonder.

Christie himself admitted that his "testimony sounded implausible, but he could not help that, because it was the truth" (*Murder*, 1959, p. 242). Almost as soon as he left the stand, rumors began circulating that Christie's "implausible" testimony was shielding his relationship with a woman—

most likely Mrs. Dulcibel Henneage, the wife of a serviceman.

Proponents of Christie-as-murderer also point to Christie's suspicious account of the night of the murder—asleep a few doors away while Sir Harry was murdered and set afire, without ever noticing. Even more suspicious, Captain Edward Sears, the superintendent of the Bahamas Police Force, claimed that he saw Christie in downtown Nassau on the night of the murder. Sears never wavered in his certainty that it was indeed Harold Christie he saw round midnight in the passenger seat of a station wagon, miles from Westbourne.

In his book, Owen appears to give the first serious look at that station wagon, discovering that, in 1943, there were only five such cars registered in New Providence: one owned by Harold Christie, one by his brother, Frank, and one by Newell Kelly, Sir Harry's business manager. (It was Mrs. Madeleine Kelly, Newell's wife, who was the first to respond to Harold Christie's cries for help on discovering Oakes' body.) Five station wagons on the island, 60% of which are owned by individuals with a direct connection to Sir Harry? There lies an interesting angle for further research—future authors take note.

As with the mobster-hit men theory, the only evidence pointing to Harold Christie is circumstantial. His testimony is implausible and his behavior on the stand suspicious. A witness claims to have seen him where he claims not to have been (downtown, rather than in the guest bed at Westbourne). He may have owed Sir Harry money, money that Oakes was planning to collect.

### **The Gunshots Theory**

DeMarigny claims to have found a witness, years after the trial, who "heard four gunshots on the night of the murder" (Marquis, 2006, p. 134). (One should be keeping score of the number of convenient, unnamed sources deMarigny is able to unearth.)

On 11 July, Sir Harry's body was flown to the U.S. for burial. Before it arrived in Palm Beach, the plane carrying the body was called back to Nassau. Sir Harry's casket was taken to the mortuary "where the body was removed and a number of photographs were taken" (*Murder*, 1959, p. 12). Barker claims the original photos

were spoiled when light got at the film. Marquis and deMarigny believe that Sir Harry's body was returned so that bullets could be removed from his skull, forever denying the real evidence to future grave robbers.

If Sir Harry was indeed shot, on whom would that fact throw suspicion? Marquis notes that few Bahamians owned guns in the 1940's. Therefore, if a gun was the murder weapon, then the murderer was likely a prominent citizen (say, Harold Christie?) or a professional hit man (say, a mobster?) as no-one else would have had access to a gun.

The gunshots theory renders Harold Christie's testimony implausible to ever higher degrees. Christie claims he spent the entire night at Westbourne, waking only for a few pesky mosquitoes. He could never have slept through four pesky gunshots. Therefore, Marquis and deMarigny would argue, the real cause of death had to be covered up in order to protect Christie.

### **The Voodoo Theory**

Sir Harry's body was found covered with a sprinkling of feathers, leading many to propose that his killing was either part of an unspecified voodoo ritual or was staged so as to be taken as such. The most likely explanation is that the feathers came from one of the pillows from Sir Harry's bed. It burned and burst in the fire (Owen, 2005, p. 127). The feathers stuck to the charred and bloody corpse—not a tar-and-feathering as has been rumored over the years.

## **THE CONSPIRACY**

### **Allegedly transferred so they couldn't testify**

#### **Colonel R. A. Erskine-Lindop**

The Colonel served as the Police Commissioner and was promoted and transferred to Trinidad before the trial. He was not recalled to give evidence. Several authors repeat the (undocumented) claim that Erskine-Lindop had "personally .. taken a suspect to the brink of tearful confession before he was summarily withdrawn from the case" (Marquis, 2006, p. 172). "It is beyond reasonable doubt that Erskine-Lindop knew too much, and was too insistent on pursuing the truth, to be allowed to stay in the Bahamas" (p. 172). (Perhaps Marquis did not

intend to call this reader "unreasonable," but there it is.)

Owen insists that there is no evidence for the allegation that Erskine-Lindop was deliberately promoted and transferred for the express purposes of keeping him from investigating the case and of suppressing his testimony. In fact, Owen points out, Erskine-Lindop had himself asked for a transfer to another colony. His request came after he received strong criticism for his failure to control a wage riot that had occurred during the summer of 1942. And since no proponents of the transfer-to-Trinidad conspiracy theory offer any evidence, score one for Owen.

#### **Dr. Ulrich Oberwarth**

Dr. Oberwarth was the medical officer at the Nassau Jail. He was transferred away from his position at the Jail shortly after deMarigny's arrest, and left for Montreal before the trial. According to deMarigny, years after the trial, in another of the convenient, unverifiable coincidences which characterized his life, *soi-disant*, he ran into Oberwarth in Canada, where Oberwarth assured him that Sir Harry's head wounds were inflicted by a small-calibre gun, not by a blunt object.

However, it is unclear how Dr. Oberwarth would have known any details of the murder. He was the physician at the Jail; he examined deMarigny upon his arrival at the jail, after his arrest. Dr. Oberwarth did not perform the post-mortem examination of Sir Harry. In fact, Dr. Oberwarth was "barred from the room where the body of Harry Oakes was autopsied" (Marquis, 2006, p. 72). What possible useful information could Dr. Oberwarth have had that would have warranted his being "removed" from the Bahamas to suppress his evidence?

Furthermore, Dr. Oberwarth did in fact give evidence during the preliminary investigation in Magistrate's Court, appearing for the defense. The end of the hearing was delayed specifically so Dr. Oberwarth could appear, as he expected to be "absent from the colony" (*Murder*, 1959, p. 137) during the trial. Dr. Oberwarth testified that, upon his arrest two days after the murder, deMarigny had no "burns, scalds or singed hairs on his body that could be detected by the naked eye" (p. 137). (Since Sir Harry's body had been set on fire,



"anyone in [the] room at the time of the slaying would have burned hairs" (p. 81). Investigators, therefore, looked for such evidence on both Christie and deMarigny.) This is hardly "get[ting] him out of the way" (Marquis, 2006, p. 172).

### **Allegedly killed for "knowing too much" *Lyford Cay watchmen***

DeMarigny claims the two unnamed "watchmen at Lyford Cay" who allegedly witnessed the arrival of the mysterious, and improbable, ship of Mafioso both turned up dead right after the defense discovered their existence: the "old sponger ... had drowned. The other was hanging from a tree" (DeMarigny & Herskowitz, 1990, p. 81). Owen rightly calls such claims uncorroborated, convenient to deMarigny, and "preposterous."

### ***Betty Renner***

Renner, a lawyer from Washington D.C., visited Nassau in 1950. Shortly after her arrival, she was found half-naked and murdered, "bludgeoned to death and dumped upside-down in a banana hole" (Marquis, 2006, p. 210). But "the fiction, repeated as fact in newspaper and magazine accounts ... [is] that she went [to Nassau] to investigate the Oakes murder..." (Kobler, 1959, p. 82). There is no evidence supporting this claim. In fact, Renner's family and friends always "insisted that she was in Nassau strictly as a tourist" (p. 82).

### ***The unidentified, unexplained dead***

Both deMarigny and Marquis claim that in addition to Ms. Renner and the unnamed watchmen, there are other "unexplained deaths" (DeMarigny & Herskowitz, 1990, p. 81) of individuals involved with or inquiring about the Oakes murder.

[O]ften enough to defy pure chance, someone would arrive to investigate the case, or [would] claim to have information regarding the identity of the killer, and that person would shortly be fished from the bottom of a well, or found floating in a lagoon, or attached to a knife. Others were summarily deported (p. 81).

Who are these mysterious victims? Why can neither author offer names or any corroborating details? Most readers will come to the conclusion

that no corroboration is offered as the victims exist only in legend and rumor, not in fact.

Marquis has good reason continually to remind readers that talking about the Oakes case was perilous, that "loose talk really did cost lives in ... Nassau" (Marquis, 2006, p. 209). If the reader believes that witnesses and informants and indeed the author himself are in danger by discussing and investigating the case, then perhaps the reader will forgive and even overlook Marquis' reliance on anonymous contacts and on uncorroborated, circumstantial evidence.

### **The alleged instigator *The Duke of Windsor***

It is a conspiracy theory (almost) universally acknowledged that the Duke was "involved in a wicked conspiracy to hang an innocent man and keep his friend Harold Christie in the clear" (Marquis, 2006, p. 171). Why would the Duke want to frame deMarigny for the murder? Out of spite toward deMarigny for his insolence? Out of need to protect the secrets of illicit financial dealings (rumor was the Duke, Christie and Oakes were, in violation of wartime currency-exchange controls, funnelling money out of the Bahamas and into the Banco Continental in Mexico City, as a hedge against an Allied loss), dealings that might be discovered with a proper investigation of the crime? Or out of desire to clear the case quickly and secure for himself a better colonial posting?

DeMarigny believed the Duke to be a "willing conspirator" (Owen, 2005, p. 69) in a plot to frame him. (Only after the death of the Duke of Windsor in 1972 did deMarigny make such allegations public.) Marquis, too, is certain that [the Duke] was "involved in an enormous conspiracy and cover-up and ... was prepared to send an innocent man to the gallows" (Marquis, 2006, p. 31-32).

The Duke did dislike deMarigny, who seemed to go to great pains to irritate and offend the Governor. And official records indicate that the Duke went to great lengths to facilitate deMarigny's deportation from the Bahamas (ordered by the Jury as a rider to the verdict, and approved by the Executive Council). The Duke asked the Colonial Office to send a military transport, not easily spared during wartime, to

remove deMarigny from the island. The Colonial Office declined, having other uses for the Royal Navy and Air Force.

As for the illicit financial dealings, the FBI investigated and found "no evidence of money laundering nor of anything else to substantiate the rumors ... of the millions salted away for the Duke of Windsor" in Mexican banks (Owen, 2005, p. 216).

"[T]here is little by way of documentary evidence to support the charge [of conspiracy] conclusively" (Marquis, 2006, p. 176). Curious how that seems to be the way of all the theories regarding the Oakes case—little documentary evidence and lots of rumor and speculation. "But the circumstantial evidence is heavily weighted against [the Duke]" (p. 176). The circumstantial evidence is there, certainly, but the direction in which it points is open to interpretation. Marquis

interprets it one way: the Duke did it. Owen interprets it another: the Duke, unfriendly to deMarigny and happy to do him a bad turn if he could, was only a beneficiary of the frame-up of deMarigny and not its instigator. As Owen's book seems the more logical and thoughtful throughout, readers may be more willing to give him the benefit of the doubt over the overheated Marquis.

### THE CONSENSUS

"Anybody dropping dead in the Bahamas from causes not immediately apparent, rumor is apt to link to the Oakes mystery" (Kobler, 1959, p. 82). That, and even though all the parties are dead and most of the landmarks torn down, nobody ever seems to tire of writing about, reading about, speculating about, even making a quick buck off, "The Murder of the Century" (Marquis, 2006, p. 5). (Apologies to all the other murders of the century ... ).

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